

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

UNITED STATES,

Plaintiff,

v.

No. 23-20191

DEMETRIUS HALEY,

Defendant.

DEMETRIUS HALEY'S RESPONSE TO UNITED STATES' MOTION *IN LIMINE*
(R. 67)

Comes now the defendant, Demetrius Haley, by and through his counsel of record, Michael J. Stengel, Esq., and responds to the United States' motion as follows:

Mr. Haley does not intend to seek to introduce information at trial which is inadmissible. He expects both parties to comply with the rules and, to the extent the parties disagree, the court to follow and enforce the applicable rules of procedure and evidence. This alone addresses the points the government has asserted as "Argument A" (R. 67, Motion *in limine*, ID 207-09); "Argument B" (R. 67, Motion *in limine*, ID 210); "Argument C" (R. 67, Motion *in limine*, ID 210-12). Mr. Haley would further suggest that potential evidentiary disputes are best addressed after the deadline for filing motions *in limine* has passed (R. 51, Scheduling

Order, ¶ 7, ID 149) along with all other pending motions *in limine*, rather than scheduling an immediate hearing and addressing such motions piecemeal.

The prosecution's attempt to have limitations placed upon Mr. Haley's pre-trial filings, "Argument D" (R. 67, Motion *in limine*, ID 212-14) is effectively a motion for a protective order. The motion does not contain a certificate of consultation because none occurred prior to the government filing it. This alone can be grounds to deny the request. (L. Crim. R. 12.1(a)).

The government's speculation about why Mr. Haley initially filed a motion to compel discovery (R. 59, Motion to Compel) and has maintained his request for an index (R. 65, Notice/Reply) is wrong. It's statement that the discovery process is incomplete and more discovery is forthcoming is immaterial to this issue. Mr. Haley filed his motion after consultation with the government failed to produce an agreement and the government declined to produce what he requested.

Finally, it is disingenuous for the government to suggest that Mr. Haley is using the media to frame the narrative of his position. Unlike the government, neither Mr. Haley nor his counsel have issued a press release, called a press conference, nor made a substantive statement to the media. By contrast, the government

has been intimately involved with spreading its message about this investigation and indictment directly to the media.

<https://www.youtube.com/watch?v=ISQND0GTI1I> (U.S. Attorney Kevin Ritz press conference, January 25, 2023)

<https://www.justice.gov/usao-wdtn/pr/statement-united-states-attorney-kevin-g-ritz-0> (U.S. Attorney Kevin Ritz press release January 25, 2023).

<https://www.youtube.com/watch?v=XCVe-S7uFR4> (Attorney General Merrick Garland press conference, January 27, 2023)

<https://www.usatoday.com/story/news/politics/2023/01/27/tyre-nichols-video-fbi-wray-garland/11134386002/>

(Attorney General Merrick Garland, FBI Director Christopher Wray, January 27, 2023)

<https://www.justice.gov/opa/video/attorney-general-merrick-garland-announces-five-former-memphis-police-officers-charged>
(Attorney General Merrick Garland announcement, DOJ press release September 12, 2023)

<https://www.commercialappeal.com/story/news/local/2023/09/12/ex-memphis-police-officers-withindicted-in-federal-court-tyre-nichols-case/7083126007/> (U.S. Attorney Kevin Ritz, Assistant

Attorney General Kristen Clarke press conference, September 12, 2023)

WHEREFORE, PREMISES CONSIDERED, Mr. Haley prays this court address all pending motions *in limine* after the deadline for filing previously set and deny the United States' motion for a protective order placing limits on his court filings through counsel.

Respectfully submitted,

S/Michael J. Stengel

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Certificate of Service

I hereby certify that I have served a copy of the foregoing Motion to Compel by electronic means, via the Court's electronic filing system, on AUSA's David Pritchard, Libby Rogers, Kathryn Gilbert, and Forrest Christian this 23rd day of October, 2023.

S/Michael J. Stengel